

Claims 1, 4-9, 18-20, 22-26, and 47-69 were newly rejected under 35 U.S.C. 102(e) over newly cited Jagannathan et al. (U.S. Patent 6,136,498).

Claims 1, 4-14, 18-20, 22-26, and 47-48 also were rejected under 35 U.S.C. 103 over newly cited Jagannathan et al. (U.S. Patent 6,136,498).

For the sake of brevity, the two rejections are addressed in combination. The rejections are each traversed.

Applicants will submit under separate cover a Rule 131 Declaration that will effectively antedate the newly cited document.

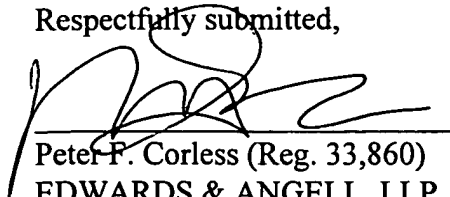
Applicants also disagree that the Jagannathan et al. document somehow renders obvious Applicants' claim 10-14 and 70-78. Such structural distinction of the groups recited in Applicants' claims 10-14 and 70-78 and the cited report of the Jagannathan et al. document make clear that a *prima facie* case under Section 103 does not exist here.

For example, in *In re Grabiak*, 226 USPQ 872 (copy enclosed), the Court of Appeals for the Federal Circuit reversed a rejection under Section 103 on the basis that the cited document provided no suggestion to replace oxygen (in the ester of the cited document) with sulfur (to provide the thioester of the claimed compound). The Federal Circuit particularly noted (page 872):

The PTO cited no pertinent reference showing or suggesting to one of ordinary skill in the art the change of the thioester for an ester group. In the absence of such reference, there is inadequate support for the PTO's position that this modification would *prima facie* have been obvious.

Applicants also disagree with other grounds of rejection set forth in the Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter F. Corless', is written over a horizontal line.

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